

## **REMARKS**

Claims 1-4 and 5-8 are now pending in the application. Claim 5 is allowed and Claims 1-4 and 5-8 stand rejected. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-4 and 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Enyedy (U.S. Pat. No. 5,938,949) in view of Hill (U.S. Pat. No. 3,061,709). These claim rejections are respectfully traversed.

At the outset, Applicants would like to point out some inconsistencies in the Outstanding Office Action. First, Claim 4 was cancelled in the Amendment filed on June 12, 2006 and was no longer pending. Second, Claims 1-3 are indicated as rejected on pages 1 and 2 and as allowable on page 3 of the Outstanding Office Action. Applicants assume the Examiner meant to indicate Claims 1-3 as allowed since Claims 1-3 were allowed previously in the Office Action mailed on August 23, 2006 after a terminal disclaimer was filed to overcome the double-patenting rejection.

Claims 6 and 7 have been amended to clarify that the gas pressure is built up within a part of a torch head of the plasma arc torch that is disposed within and distally from a torch handle. As understood from the specification, "distally" refers to an end of the torch handle that is closer to the torch head.

As the Examiner acknowledged in the Outstanding Office Action, Enyedy does not teach a gas control device located within the handle of the torch. Therefore, Enyedy does not teach a gas control device located within a part of the torch head that is

disposed within and distally from a torch handle. Hill, on the other hand, does not provide any motivation to modify because Hill does not disclose a plasma arc torch, let alone a plasma arc chamber.

Even assuming the gas-directed nozzle N is equivalent to the torch head, no part of the gas-directed nozzle N is disposed within the handle H in Hill. Lacking this construction, the Hill torch cannot build up gas pressure locally to the torch head and close enough to the gas chamber of the gas-directed nozzle N while enabling a user to operate the gas control device when holding the handle. Accordingly, Applicants respectfully request that the rejections of Claims 6 and 7 be withdrawn.

Claim 8 depends from Claim 7 and distinguishes over the cited references for at least the reasons stated above in connection with Claim 7. Accordingly, Applicants respectfully request that the rejection of Claim 8 also be withdrawn.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1216.

Respectfully submitted,

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By:   
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